

Union Calendar No. 99

103D CONGRESS
1ST SESSION

H. R. 1633

[Report No. 103-176]

A BILL

To create a Supreme Court for the District of
Columbia, and for other purposes.

JULY 13, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Ms. NORTON introduced the following bill; which was referred to the Committee on the District of Columbia

JULY 13, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 1, 1993]

A BILL

To create a Supreme Court for the District of Columbia,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “District of Columbia*
5 *Judicial Reorganization Act of 1993”.*

5 *Title 11 of the District of Columbia Code is amended*
6 *by adding after chapter 5 the following new chapter 6:*

"SUBCHAPTER I. ESTABLISHMENT AND ORGANIZATION.

"11-609. Reports.

"11-623. Certification of questions of law.

"11-644. Judicial conference.

1 “SUBCHAPTER I. ESTABLISHMENT AND
2 ORGANIZATION.

3 ***“§ 11-601. Establishment; court of record; seal.***

4 “(a) *The Supreme Court of the District of Columbia*
5 *(hereafter in this chapter referred to as ‘the court’)* is hereby
6 *established as a court of record in the District of Columbia.*

7 “(b) The court shall have a seal.

8 **“§ 11-602. Composition.**

9 *“The court shall consist of a chief justice and 6 associ-*
10 *ate justices.*

11 ***“§ 11-603. Justices; service; compensation.***

12 “(a) *The chief justice and the justices of the court shall*
13 *serve in accordance with chapter 15 of this title.*

14 “(b) Justices of the court shall be compensated at the
15 rate prescribed by law for judges of the United States Court
16 of Appeals. The chief justice shall receive \$500 per year in
17 addition to the salary of other justices of the court.

18 ***“§ 11-604. Oath of justices.***

19 *“Each justice, when appointed, shall take the oath pre-*
20 *scribed for judges of courts of the United States.*

21 ***“§ 11-605. Term; hearings; quorum.***

22 “(a) The court shall sit in one term each year for such
23 period as it may determine.

24 “(b) The court shall sit in banc to hear and determine
25 cases and controversies, except that the court may sit in

1 *divisions of 3 justices to hear and determine cases and con-*
2 *troversies certified for review under section 11-621 if the*
3 *court determines that subsection (b)(2) of such section is*
4 *the exclusive basis for such certification. The court in banc*
5 *for a hearing shall consist of the justices of the court in*
6 *regular active service.*

7 “(c) A majority of the justices serving shall constitute
8 a quorum.

9 “(d) A rehearing before the court may be ordered by
10 a majority of the justices of the court in regular active serv-
11 ice. The court in banc for a rehearing shall consist of the
12 justices of the court in regular active service.

13 **“§ 11-606. Absence, disability, or disqualification of**
14 **justices; vacancies.**

15 “(a) When the chief justice of the court is absent or
16 disabled, the duties of the chief justice shall devolve upon
17 and be performed by such associate justice as the chief jus-
18 tice may designate in writing. In the event that the chief
19 justice is (1) disqualified or suspended, or (2) unable or
20 fails to make such a designation, such duties shall devolve
21 upon and be performed by the associate justices of the court
22 according to the seniority of their original commissions.

23 “(b) A chief justice whose term as chief justice has ex-
24 pired shall continue to serve until redesignated or until a
25 successor has been designated. When there is a vacancy in

1 *the position of chief justice the position shall be filled tempo-*
2 *rarily as provided in the second sentence of subsection (a).*

3 ***“§ 11-607. Assignment of justices and judges to and***
4 ***from other courts of the District of Colum-***
5 ***bia.***

6 *“(a) Upon presentation of a certificate of necessity by*
7 *the chief judge of the District of Columbia Court of Appeals,*
8 *the chief justice of the Supreme Court of the District of Co-*
9 *lumbia may designate and assign temporarily one or more*
10 *justices of the Supreme Court of the District of Columbia*
11 *or one or more judges of the Superior Court of the District*
12 *of Columbia to serve on the District of Columbia Court of*
13 *Appeals or a division thereof whenever the business of the*
14 *District of Columbia Court of Appeals so requires. Such des-*
15 *ignations or assignments shall be in conformity with the*
16 *rules or orders of the District of Columbia Court of Appeals.*

17 *“(b) Upon presentation of a certificate of necessity by*
18 *the chief judge of the Superior Court of the District of Co-*
19 *lumbia, the chief justice of the Supreme Court of the Dis-*
20 *trict of Columbia may designate and assign temporarily*
21 *one or more justices of the Supreme Court of the District*
22 *of Columbia or one or more judges of the District of Colum-*
23 *bia Court of Appeals to serve as a judge of the Superior*
24 *Court of the District of Columbia.*

1 **“§ 11-608. Clerks and secretaries for justices.**

2 *“Each justice may appoint and remove a personal sec-*
 3 *retary. The chief justice may appoint and remove not more*
 4 *than three personal law clerks, and each associate justice*
 5 *may appoint and remove not more than two personal law*
 6 *clerks. In addition, the chief justice may appoint and re-*
 7 *move law clerks for the court and law clerks and secretaries*
 8 *for the senior justices. The law clerks appointed for the court*
 9 *shall serve as directed by the chief justice.*

10 **“§ 11-609. Reports.**

11 *“Each justice shall submit to the chief justice such re-*
 12 *ports and data as the chief justice may request.*

13 “SUBCHAPTER II. JURISDICTION.

14 **“§ 11-621. Certification to the Supreme Court of the**
 15 **District of Columbia.**

16 *“(a) In any case or class of cases in which an appeal*
 17 *has been taken to or filed with the District of Columbia*
 18 *Court of Appeals, the Supreme Court of the District of Co-*
 19 *lumbia, by order of the Supreme Court sua sponte, or, in*
 20 *its discretion, on motion of the District of Columbia Court*
 21 *of Appeals or of any party, may certify the case or class*
 22 *of cases for review by the Supreme Court before it has been*
 23 *determined by the District of Columbia Court of Appeals.*
 24 *The effect of such certification shall be to transfer jurisdic-*
 25 *tion over the case or class of cases to the Supreme Court*
 26 *of the District of Columbia for all purposes.*

1 “(b) Such certification may be made only if not less
2 than 3 of the justices of the Supreme Court of the District
3 of Columbia determine that—

4 “(1) the case or class of cases involves a question
5 that is novel or difficult or is of importance in the
6 general public interest or the administration of jus-
7 tice; or

8 “(2) the case or class of cases was pending in the
9 District of Columbia Court of Appeals on the effective
10 date of this section and, because the justices of the Su-
11 preme Court of the District of Columbia were famil-
12 iar with the case or class of cases while serving as
13 judges of the District of Columbia Court of Appeals,
14 the sound and efficient administration of justice dic-
15 tates that the case or class of cases be certified for re-
16 view by the Supreme Court of the District of Colum-
17 bia.

18 **“§ 11–622. Review by the Supreme Court of the District**
19 **of Columbia.**

20 “(a) Any party aggrieved by a final decision of the
21 District of Columbia Court of Appeals may petition the Su-
22 preme Court of the District of Columbia for an appeal.
23 Such a petition may be granted and appeal be heard by
24 the Supreme Court of the District of Columbia only upon
25 the affirmative vote of not less than 3 of the justices that

1 *the matter involves a question that is novel or difficult, is*
2 *the subject of conflicting authorities within the jurisdiction,*
3 *or is of importance in the general public interest or the*
4 *administration of justice. The granting of such petitions for*
5 *appeal shall be in the discretion of the Supreme Court of*
6 *the District of Columbia. The Supreme Court of the District*
7 *of Columbia shall not be required to state reasons for denial*
8 *of petitions for appeal.*

9 “(b) *On hearing an appeal in any case or controversy,*
10 *the Supreme Court of the District of Columbia shall give*
11 *judgment after an examination of the record without regard*
12 *to errors or defects which do not affect the substantial rights*
13 *of the parties.*

14 **“§ 11-623. Certification of questions of law.**

15 “(a) *The Supreme Court of the District of Columbia*
16 *may answer a question of law of the District of Columbia*
17 *certified to it by the Supreme Court of the United States,*
18 *a Court of Appeals of the United States, or the highest ap-*
19 *pellate court of any State, if—*

20 “(1) *such question of law may be determinative*
21 *of the case pending in such a court; and*

22 “(2) *there is no controlling precedent regarding*
23 *such question of law in the decisions of the District*
24 *of Columbia Court of Appeals or the Supreme Court*
25 *of the District of Columbia.*

1 “(b) This section may be invoked by an order of any
2 of the courts referred to in subsection (a) upon such court’s
3 motion or upon the motion of any party to the case.

4 “(c) A certification order under this section shall—

5 “(1) describe the question of law to be answered;

6 “(2) contain a statement of all facts relevant to
7 the question certified and the nature of the con-
8 troversy in which the questions arose; and

9 “(3) upon the request of the Supreme Court of
10 the District of Columbia contain the original or cop-
11 ies of the record of the case in question or of any por-
12 tion of such record as the Supreme Court of the Dis-
13 trict of Columbia considers necessary to determine the
14 questions of law which are the subject of the motion.

15 “(d) Fees and costs shall be the same as in appeals
16 docketed before the Supreme Court of the District of Colum-
17 bia and shall be equally divided between the parties unless
18 precluded by statute or by order of the certifying court.

19 “(e) The written opinion of the Supreme Court of the
20 District of Columbia stating the law governing any ques-
21 tions certified under subsection (a) shall be sent by the clerk
22 to the certifying court and to the parties.

23 “(f) The Supreme Court of the District of Columbia,
24 on its own motion, the motion of the District of Columbia
25 Court of Appeals, or the motion of any party to a case pend-

1 *ing in the Supreme Court of the District of Columbia or*
2 *the District of Columbia Court of Appeals, may order cer-*
3 *tification of a question of law of another State to the highest*
4 *court of such State if, in the view of the Supreme Court*
5 *of the District of Columbia—*

6 “(1) such question of law may be determinative
7 *of the case pending in the Supreme Court of the Dis-*
8 *trict of Columbia or the District of Columbia Court*
9 *of Appeals; and*

10 “(2) there is no controlling precedent regarding
11 *such question of law in the decisions of the appellate*
12 *courts of the State to which the order of certification*
13 *is directed.*

14 “(g) The Supreme Court of the District of Columbia
15 *may prescribe the rules of procedure concerning the answer-*
16 *ing and certification of questions of law under this section.*

17 “SUBCHAPTER III. MISCELLANEOUS PROVISIONS.

18 **“§ 11-641. Contempt powers.**

19 “*In addition to the powers conferred by section 402*
20 *of title 18, United States Code, the Supreme Court of the*
21 *District of Columbia, or a justice thereof, may punish for*
22 *disobedience of an order or for contempt committed in the*
23 *presence of the court.*

1 ***“§ 11-642. Oaths, affirmations, and acknowledgments.***

2 *“Each justice of the Supreme Court of the District of*
3 *Columbia and each employee of the court authorized by the*
4 *chief justice may administer oaths and affirmations and*
5 *take acknowledgments.*

6 ***“§ 11-643. Rules of court.***

7 *“The Supreme Court of the District of Columbia shall*
8 *conduct its business in accordance with such rules and pro-*
9 *cedures as the court shall adopt.*

10 ***“§ 11-644. Judicial conference.***

11 *“The chief justice of the Supreme Court of the District*
12 *of Columbia shall summon annually the justices and active*
13 *judges of the District of Columbia courts to a conference*
14 *at a time and place that the chief justice designates, for*
15 *the purpose of advising as to means of improving the ad-*
16 *ministration of justice within the District of Columbia. The*
17 *chief justice shall preside at such conference which shall be*
18 *known as the Judicial Conference of the District of Colum-*
19 *bia. Each justice and judge summoned, unless excused by*
20 *the chief justice of the Supreme Court of the District of Co-*
21 *lumbia, shall attend throughout the conference. The Su-*
22 *preme Court of the District of Columbia shall provide by*
23 *its rules for representation of and active participation by*
24 *members of the unified District of Columbia Bar and other*
25 *persons active in the legal profession at such conference.”.*

1 **SEC. 102. TRANSITION PROVISIONS.**

2 (a) *ELEVATION OF JUDGES OF THE DISTRICT OF CO-*
3 *LUMBIA COURT OF APPEALS AS JUSTICES OF THE SU-*
4 *PREME COURT OF THE DISTRICT OF COLUMBIA.—*

5 (1) *Except as provided in paragraph (2), begin-*
6 *ning on the effective date of this title the chief judge*
7 *of the District of Columbia Court of Appeals shall*
8 *serve the remainder of the term to which he or she*
9 *was appointed as the chief justice of the Supreme*
10 *Court of the District of Columbia and the associate*
11 *judges of the District of Columbia Court of Appeals*
12 *shall serve the remainder of the respective terms to*
13 *which they were appointed as associate justices of the*
14 *Supreme Court of the District of Columbia. The Su-*
15 *preme Court of the District of Columbia shall conform*
16 *to the numerical requirements of section 11–602 of the*
17 *D.C. Code through attrition. Vacancies in the offices*
18 *of chief judge and associate judge of the District of*
19 *Columbia Court of Appeals shall be filled in accord-*
20 *ance with chapter 15 of title 11 of the D.C. Code.*

21 (2) *Any judge of the District of Columbia Court*
22 *of Appeals may serve the remainder of the term to*
23 *which he or she was appointed as a judge of that*
24 *court by providing written notice to the chief judge of*
25 *the District of Columbia Court of Appeals not less*

1 *than 30 days after the date of the enactment of this*
2 *Act.*

3 ***(b) TRANSITION PERIOD FOR THE SUPREME COURT***
4 ***OF THE DISTRICT OF COLUMBIA.—***

5 *(1) A committee consisting of the chief judge of*
6 *the District of Columbia Court of Appeals together*
7 *with 2 other judges of such court and the chief judge*
8 *of the Superior Court of the District of Columbia to-*
9 *gether with 2 other judges of such court shall be re-*
10 *sponsible for the administration of the period of tran-*
11 *sition prior to the establishment of the Supreme Court*
12 *of the District of Columbia, including the hiring of*
13 *necessary staff, the preparation of facilities, and the*
14 *purchase of necessary equipment and supplies.*

15 *(2) Not more than 120 days after the date of the*
16 *enactment of this Act, the committee referred to in*
17 *paragraph (1) shall submit to the Subcommittee on*
18 *Government Efficiency, Federalism, and the District*
19 *of Columbia of the Committee on Governmental Af-*
20 *fairs of the Senate and the Committee on the District*
21 *of Columbia of the House of Representatives a transi-*
22 *tion report, consistent with this Act, regarding the es-*
23 *tablishment of the Supreme Court of the District of*
24 *Columbia and the filling of vacancies on the District*
25 *of Columbia Court of Appeals resulting from the ele-*

1 *vation of the judges of such Court to positions on the*
 2 *Supreme Court of the District of Columbia pursuant*
 3 *to subsection (a).*

4 (3) *This subsection shall take effect on the date*
 5 *of the enactment of this Act.*

6 **SEC. 103. CONFORMING AND OTHER AMENDMENTS.**

7 (a) *AMENDMENTS TO THE HOME RULE ACT.—*

8 (1) *Section 431(a) of the District of Columbia*
 9 *Self-Government and Governmental Reorganization*
 10 *Act is amended—*

11 (A) *in the first sentence by inserting “Su-*
 12 *preme Court of the District of Columbia,” after*
 13 *“vested in the”; and*

14 (B) *by adding after the fourth sentence the*
 15 *following: “The Supreme Court of the District of*
 16 *Columbia has jurisdiction of appeals from the*
 17 *District of Columbia Court of Appeals and of*
 18 *cases certified to the Supreme Court under sec-*
 19 *tion 11–621(a), District of Columbia Code.”.*

20 (2) *Section 431 of such Act is further amended—*

21 (A) *in subsection (b)—*

22 (i) *by inserting “chief justice or” before*
 23 *“chief judge” each place it appears,*

24 (ii) *by striking “term as a judge” and*
 25 *inserting “term as a justice or judge”, and*

1 (iii) by inserting “chief justice’s or”
2 before “chief judge’s” each place it appears;

3 (B) in subsections (b) and (g), by inserting
4 “justices or” before “judges” each place it ap-
5 pears; and

6 (C) in subsections (c) and (g), by inserting
7 “justice or” before “judge” each place it appears.

8 (3) Section 432 of such Act is amended—

9 (A) by inserting “justice or” before “judge”
10 each place it appears;

11 (B) by striking “District of Columbia Court
12 of Appeals” each place it appears and inserting
13 “Supreme Court of the District of Columbia”;
14 and

15 (C) in subsection (a)(1) by striking “law or
16 which would be a felony in the District” and in-
17 serting “law or the laws of the District of Colum-
18 bia”.

19 (4) Section 433 of such Act is amended—

20 (A) in the heading by inserting “JUSTICES
21 AND” before “JUDGES”;

22 (B) by inserting “justices and” before
23 “judges” each place it appears; and

24 (C) by inserting “justice or” before “judge”
25 each place it appears.

1 (5) *Section 434 of such Act is amended in sub-*
2 *sections (b)(3) and (d)—*

3 (A) *by inserting “justice or” before “judge”*
4 *each place it appears;*

5 (B) *by inserting “justices or” before*
6 *“judges” each place it appears; and*

7 (C) *by inserting “justice’s or” before*
8 *“judge’s” each place it appears.*

9 (b) *AMENDMENTS TO CHAPTER 1 OF TITLE 11, D.C.*
10 *CODE.—*

11 (1) *Section 11–101(2), D.C. Code, is amended by*
12 *redesignating subparagraphs (A) and (B) as subpara-*
13 *graphs (B) and (C), respectively, and by adding be-*
14 *fore subparagraph (B) (as so redesignated) the follow-*
15 *ing:*

16 “(A) *The Supreme Court of the District of*
17 *Columbia.”.*

18 (2) *Section 11–102, D.C. Code, is amended to*
19 *read as follows:*

20 ***“§ 11–102. Status of Supreme Court of the District of***
21 ***Columbia.***

22 *“The highest court of the District of Columbia is the*
23 *Supreme Court of the District of Columbia. Final judg-*
24 *ments, orders, and decrees of the Supreme Court of the Dis-*
25 *trict of Columbia and of the District of Columbia Court*

1 *of Appeals where review is denied by the Supreme Court*
2 *of the District of Columbia are reviewable by the Supreme*
3 *Court of the United States in accordance with section 1257*
4 *of title 28, United States Code.”.*

5 (3) *The item relating to section 11–102 of the*
6 *table of contents of chapter 1 of title 11, D.C. Code,*
7 *is amended to read as follows:*

“11–102. Status of Supreme Court of the District of Columbia.”.

8 (c) *AMENDMENTS TO CHAPTER 7 OF TITLE 11, D.C.*
9 *CODE.—*

10 (1) *Chapter 7 of title 11, D.C. Code, is amended*
11 *by striking sections 11–707, 11–723, and 11–744 and*
12 *by striking the items relating to such sections in the*
13 *table of contents of such chapter.*

14 (2) *Section 11–703(b), D.C. Code, is amended by*
15 *striking “the rate prescribed by law for judges of the*
16 *United States courts of appeals.” and inserting the*
17 *following: “a rate equal to the average of the com-*
18 *pen-sation provided for judges of the Supreme Court*
19 *of the District of Columbia under section 11–603 and*
20 *the compensation provided for judges of the Superior*
21 *Court of the District of Columbia under section 11–*
22 *904(b).”.*

23 (3) *Section 11–708, D.C. Code, is amended by*
24 *striking “not more than three law clerks for the*

1 *court.” and inserting “law clerks for the court and*
2 *law clerks and secretaries for the senior judges.”.*

3 (4) *Section 11–722, D.C. Code, is amended by*
4 *striking “Commissioner” and inserting “Mayor”.*

5 (5) *Section 11–743, D.C. Code, is amended by*
6 *striking “according to” and all that follows and in-*
7 *serting “in accordance with such rules and procedures*
8 *as it may adopt.”.*

9 (d) *AMENDMENTS TO CHAPTER 9 OF TITLE 11, D.C.*
10 *CODE.—*

11 (1) *Section 11–908(b), D.C. Code, is amended to*
12 *read as follows:*

13 *“(b) When the business of the Superior Court requires,*
14 *the chief judge may certify to the chief justice of the Su-*
15 *preme Court of the District of Columbia the need for an*
16 *additional judge or judges as provided in section 11–607*
17 *and 11–707.”.*

18 (2) *Section 11–910, D.C. Code, is amended by*
19 *adding at the end the following new sentence: “In ad-*
20 *dition, the chief judge may appoint and remove law*
21 *clerks for the court, who shall serve as directed by the*
22 *chief judge.”.*

23 (3) *Section 11–946, D.C. Code, is amended by*
24 *striking “District of Columbia Court of Appeals” each*
25 *place it appears in the second and third sentences*

1 and inserting “Supreme Court of the District of
2 Columbia”.

3 (e) AMENDMENTS TO CHAPTER 15 OF TITLE 11, D.C.
4 CODE.—

5 (1) Section 11–1501, D.C. Code, is amended to
6 read as follows:

7 **“§ 11–1501. Appointment and qualifications of judges.**

8 “(a) Except as provided in section 434(d)(1) of the
9 District of Columbia Self-Government and Governmental
10 Reorganization Act, the President shall nominate, from the
11 list of persons recommended by the District of Columbia
12 Judicial Nomination Commission established under section
13 434 of such Act, and, by and with the advice and consent
14 of the Senate, appoint all justices and judges of the District
15 of Columbia courts.

16 “(b) No person may be nominated or appointed a jus-
17 tice or judge of a District of Columbia court unless that
18 person—

19 “(1) is a citizen of the United States;

20 “(2) is an active member of the unified District
21 of Columbia Bar and has been engaged in the active
22 practice of law in the District for the five years im-
23 mediately preceding nomination or for such five years
24 has served as a judge of the United States or the Dis-
25 trict of Columbia, has been on the faculty of a law

1 *school in the District, or has been employed as a law-*
2 *yer by the United States or the District of Columbia*
3 *government;*

4 *“(3) is a bona fide resident of the District of Co-*
5 *lumbia and has maintained an actual place of abode*
6 *in the District for at least 90 days immediately prior*
7 *to nomination, and shall retain such residency as*
8 *long as he or she serves as such judge, except judges*
9 *appointed prior to December 23, 1973, who retain*
10 *residency in Montgomery or Prince Georges Counties*
11 *in Maryland, Arlington or Fairfax Counties (or any*
12 *cities within the outer boundaries thereof) or the city*
13 *of Alexandria in Virginia shall not be required to be*
14 *residents of the District to be eligible for reappoint-*
15 *ment or to serve any term to which reappointed;*

16 *“(4) is recommended to the President, for such*
17 *nomination and appointment, by the District of Co-*
18 *lumbia Judicial Nomination Commission; and*

19 *“(5) has not served, within a period of 2 years*
20 *prior to nomination, as a member of the District of*
21 *Columbia Commission on Judicial Disabilities and*
22 *Tenure or of the District of Columbia Judicial Nomi-*
23 *nation Commission.”.*

24 *(2) Section 11-1504(a)(1), D.C. Code, is amend-*
25 *ed by striking the period at the end of the first sen-*

1 *tence and inserting the following: “, except that a re-*
2 *tired judge may not serve or perform judicial duties*
3 *on the Supreme Court of the District of Columbia.”.*

4 (3) *Section 11–1505(a), D.C. Code, is amended*
5 *in the second sentence by striking “District” and all*
6 *that follows and inserting “court of the District of Co-*
7 *lumbia on which the judge serves.”.*

8 (4) *Subchapter I of chapter 15 of title 11, D.C.*
9 *Code, is amended by adding at the end the following*
10 *new section:*

11 ***“§ 11–1506. Definitions.***

12 *“For purposes of this chapter—*

13 *“(1) the term ‘judge’ means any justice of the*
14 *Supreme Court of the District of Columbia, or any*
15 *judge of the District of Columbia Court of Appeals or*
16 *the Superior Court; and*

17 *“(2) the term ‘chief judge’ means the chief justice*
18 *of the Supreme Court of the District of Columbia, or*
19 *the chief judges of the District of Columbia Court of*
20 *Appeals or the Superior Court, as appropriate.”.*

21 (5) *Section 11–1526, D.C. Code, is amended by*
22 *striking “District of Columbia Court of Appeals” each*
23 *place it appears and inserting “Supreme Court of the*
24 *District of Columbia”.*

1 (6) *Section 11–1528, D.C. Code, is amended in*
 2 *subsection (a)(2)(C) by inserting “the Supreme Court*
 3 *of the District of Columbia or” after “elevation to”.*

4 (7) *Section 11–1529, D.C. Code, is amended by*
 5 *striking “District of Columbia Court of Appeals” and*
 6 *inserting “Supreme Court of the District of Colum-*
 7 *bia”.*

8 (8) *Section 11–1561, D.C. Code, is amended—*

9 (A) *in paragraph (1), by inserting “any*
 10 *justice of the Supreme Court of the District of*
 11 *Columbia,” before “any judge”; and*

12 (B) *in paragraph (2), by inserting “a jus-*
 13 *tice in the Supreme Court of the District of Co-*
 14 *lumbia,” before “a judge”.*

15 (9) *The table of sections for subchapter I of chap-*
 16 *ter 15 of title 11, D.C. Code, is amended by adding*
 17 *at the end the following:*

“11–1506. Definitions.”.

18 (f) *AMENDMENTS TO CHAPTER 17 OF TITLE 11, D.C.*
 19 *CODE.—*

20 (1) *Section 11–1701, D.C. Code, is amended—*

21 (A) *by amending subsection (a) to read as*
 22 *follows:*

23 “(a) *There shall be a Joint Committee on Judicial Ad-*
 24 *ministration in the District of Columbia (hereafter in this*
 25 *chapter referred to as the ‘Joint Committee’) consisting*

1 *(during the first 3 fiscal years that begin after the date of*
2 *the enactment of the District of Columbia Judicial Reorga-*
3 *nization Act of 1993) of the chief justice of the Supreme*
4 *Court of the District of Columbia (who shall serve as chair-*
5 *person) and two other justices of such court, the chief judge*
6 *of the District of Columbia Court of Appeals, and the chief*
7 *judge of the Superior Court of the District of Columbia and*
8 *two additional judges of such court.”;*

9 *(B) in subsection (b)—*

10 *(i) by amending paragraph (4) to read*
11 *as follows:*

12 *“(4) Preparation and publication of an annual*
13 *report of the District of Columbia court system re-*
14 *garding the work of the courts, the performance of the*
15 *duties enumerated in this chapter, and any rec-*
16 *ommendations relating to the courts.”, and*

17 *(ii) by striking paragraphs (6) and (9)*
18 *and redesignating paragraphs (7) and (8)*
19 *as paragraphs (6) and (7); and*

20 *(C) in subsection (c)—*

21 *(i) by amending paragraph (2) to read*
22 *as follows:*

23 *“(2) formulate and enforce standards for outside*
24 *activities of and receipt of compensation by the judges*
25 *of the District of Columbia court system;”,*

1 (ii) in paragraph (3), by striking “,
2 and institute such changes” and all that fol-
3 lows through “justice”,

4 (iii) by striking “and” at the end of
5 paragraph (3),

6 (iv) by striking the period at the end
7 of paragraph (4) and inserting a semicolon,
8 and

9 (v) by adding at the end the following
10 new paragraphs:

11 “(5) submit the annual budget requests of the
12 Supreme Court of the District of Columbia, the Dis-
13 trict of Columbia Court of Appeals, and the Superior
14 Court to the Mayor of the District of Columbia as
15 part of the integrated budget of the District of Colum-
16 bia court system, except that any such request may be
17 modified upon the concurrence of 5 of the 7 members
18 of the Joint Committee; and

19 “(6) with the concurrence of the chief justice of
20 the Supreme Court of the District of Columbia and
21 the respective chief judges of the other District of Co-
22 lumbia courts, prepare and implement other policies
23 and practices for the District of Columbia court sys-
24 tem and resolve other matters which may be of joint
25 and mutual concern of the Supreme Court of the Dis-

1 *trict of Columbia, the District of Columbia Court of*
2 *Appeals, and the Superior Court.”.*

3 (2) *Section 11–1702, D.C. Code, is amended—*

4 (A) *in the heading, by inserting “**the***
5 ***chief justice and the**” after “of”;*

6 (B) *by redesignating subsections (a) and (b)*
7 *as subsections (b) and (c); and*

8 (C) *by inserting before subsection (b) the*
9 *following new subsection:*

10 *“(a) The chief justice of the Supreme Court of the Dis-*
11 *trict of Columbia, in addition to the authority conferred*
12 *by chapter 6 of this title, shall supervise the internal ad-*
13 *ministration of that court—*

14 *“(1) including all administrative matters other*
15 *than those within the responsibility enumerated in*
16 *section 11–1701(b), and*

17 *“(2) including the implementation in that court*
18 *of the matters enumerated in section 11–1701(b),*
19 *consistent with the general policies and directives of the*
20 *Joint Committee.”.*

21 (3) *Section 11–1703(a), D.C. Code, is amend-*
22 *ed—*

23 (A) *by striking “He” each place it appears*
24 *and inserting “The Executive Officer”;* and

1 (B) in the fourth sentence, by striking
2 “judges” and inserting “judge of the District of
3 Columbia Court of Appeals and the chief judge
4 of the Superior Court of the District of Colum-
5 bia”.

6 (4) Section 11–1721, D.C. Code, is amended by
7 amending the matter following the heading to read as
8 follows:

9 “(a) The Supreme Court of the District of Columbia
10 shall have a clerk appointed by the chief justice of that court
11 who shall, under the direction of the chief justice, be respon-
12 sible for the daily operations of that court and serve as the
13 clerk of the District of Columbia Court of Appeals.

14 “(b) The Superior Court of the District of Columbia
15 shall have a clerk appointed by the chief judge of that court
16 who shall, under the direction of the chief judge, be respon-
17 sible for the daily operations of that court.

18 “(c) Each such clerk appointed under this section shall
19 receive a level of compensation, including retirement bene-
20 fits, determined by the Joint Committee on Judicial Ad-
21 ministration, except that such level may not exceed the level
22 of compensation provided for the Executive Officer.”.

23 (5) Section 11–1726, D.C. Code, is amended—

24 (A) in the first sentence, by striking “Exec-
25 utive Officer” and all that follows and inserting

1 *“Joint Committee (upon the recommendation of*
2 *the Executive Officer) shall fix the rates of com-*
3 *ensation of such employees.”; and*

4 *(B) in the second sentence, by striking “Ex-*
5 *ecutive Officer” and inserting “Joint Commit-*
6 *tee”.*

7 *(6) Section 11-1730(a), D.C. Code, is amend-*
8 *ed—*

9 *(A) by striking “Judges” and inserting*
10 *“Justices and judges”;*

11 *(B) by inserting “11-609,” after “sections”;*
12 *and*

13 *(C) by inserting “chief justice or” after “re-*
14 *spective”.*

15 *(7) Section 11-1731, D.C. Code, is amended—*

16 *(A) by striking “or the chief judge” and in-*
17 *serting “, the chief justice, or the chief judges”;*

18 *(B) in paragraph (7), by striking “the Dis-*
19 *trict of Columbia Bail Agency” and inserting*
20 *“the District of Columbia Pre-trial Services*
21 *Agency”;*

22 *(C) by inserting “and” at the end of para-*
23 *graph (9); and*

24 *(D) by striking paragraphs (10) and (11)*
25 *and inserting the following:*

1 “(10) the Department of Human Services.”.

2 (8) Section 11-1741, D.C. Code, is amended—

3 (A) by amending the matter preceding
4 paragraph (1) to read as follows: “Within the
5 District of Columbia courts, and subject to the
6 supervision of the chief justice of the Supreme
7 Court of the District of Columbia (acting in con-
8 sultation with the chief judge of the District of
9 Columbia Court of Appeals and the chief judge
10 of the Superior Court of the District of Colum-
11 bia), the Executive Officer shall—”;

12 (B) by inserting “chief justice or” before
13 “chief” each place it appears in paragraphs (5),
14 (7), and (9);

15 (C) by striking “and” at the end of para-
16 graph (8);

17 (D) by striking the period at the end of
18 paragraph (9) and inserting “; and”; and

19 (E) by adding at the end the following:

20 “(10) be responsible for the allocation, negotia-
21 tion for, and provision of space in the courts.”.

22 (9) Section 11-1745(b)(2), D.C. Code, is amend-
23 ed by striking “Commissioner” and inserting
24 “Mayor”.

1 (10) *Section 11–1747, D.C. Code, is amended by*
 2 *striking “him” and inserting “the Executive Officer”.*

3 (11) *The table of sections for subchapter I of*
 4 *chapter 17 of title 11, D.C. Code, is amended by*
 5 *amending the item relating to section 11–1702 to*
 6 *read as follows:*

“11–1702. Responsibilities of the chief justice and the chief judges in the respective courts.”.

7 (g) *AMENDMENT TO CHAPTER 21 OF TITLE 11, D.C.*
 8 *CODE.—Section 11–2102(c), D.C. Code, is amended by*
 9 *striking “Superior Court” and all that follows and insert-*
 10 *ing “Joint Committee on Judicial Administration in the*
 11 *District of Columbia in accordance with section 11–1726.”.*

12 (h) *AMENDMENTS TO CHAPTER 25 OF TITLE 11, D.C.*
 13 *CODE.—*

14 (1) *Section 11–2501, D.C. Code, is amended—*

15 (A) *by striking “District of Columbia Court*
 16 *of Appeals” each place it appears and inserting*
 17 *“Supreme Court of the District of Columbia”;*
 18 *and*

19 (B) *by amending subsection (c) to read as*
 20 *follows:*

21 “(c) *Members of the bar of the District of Columbia*
 22 *Court of Appeals in good standing on the effective date of*
 23 *title I of the District of Columbia Judicial Reorganization*
 24 *Act of 1993 shall be automatically enrolled as members of*

1 *the bar of the Supreme Court of the District of Columbia,*
 2 *and shall be subject to its disciplinary jurisdiction.”.*

3 (2) *Section 11–2502, D.C. Code, is amended by*
 4 *striking “District of Columbia Court of Appeals” and*
 5 *inserting “Supreme Court of the District of*
 6 *Columbia”.*

7 (3) *Section 11–2503, D.C. Code, is amended by*
 8 *striking “District of Columbia Court of Appeals” and*
 9 *inserting “Supreme Court of the District of*
 10 *Columbia”.*

11 (4) *Section 11–2504, D.C. Code, is amended by*
 12 *striking “District of Columbia Court of Appeals” and*
 13 *inserting “other courts of the District of Columbia”.*

14 (i) *AMENDMENT TO CHAPTER 26 OF TITLE 11, D.C.*
 15 *CODE.—Section 11–2607, D.C. Code, is amended by strik-*
 16 *ing “Commissioner” and inserting “Mayor”.*

17 (j) *AMENDMENT TO CHAPTER 3 OF TITLE 13, D.C.*
 18 *CODE.—Section 13–302, D.C. Code, is amended by insert-*
 19 *ing “the Supreme Court of the District of Columbia,” after*
 20 *“process of”.*

21 (k) *AMENDMENTS TO CHAPTER 3 OF TITLE 17, D.C.*
 22 *CODE.—*

23 (1) *The chapter heading for chapter 3 of title 17,*
 24 *D.C. Code, is amended by inserting “SUPREME*

1 *COURT OF THE DISTRICT OF COLUMBIA AND*” before
2 *“DISTRICT”*.

3 (2) *Section 17–302, D.C. Code, is amended by*
4 *striking “District of Columbia Court of Appeals” each*
5 *place it appears and inserting “Supreme Court of the*
6 *District of Columbia”*.

7 (3) *Section 17–305, D.C. Code, is amended by*
8 *adding at the end the following new subsection:*

9 *“(c) The Supreme Court of the District of Columbia*
10 *shall apply the same standards regarding the scope of re-*
11 *view and the reversal of judgment as the District of Colum-*
12 *bia Court of Appeals applies under subsections (a) and*
13 *(b).”*.

14 (4) *Section 17–306, D.C. Code, is amended by*
15 *inserting “Supreme Court of the District of Columbia*
16 *or the” before “District”*.

17 (l) *AMENDMENT TO CHAPTER 5 OF TITLE 21, D.C.*
18 *CODE.—The first sentence of section 21–502(e), D.C. Code,*
19 *is amended by striking “in accordance with” and all that*
20 *follows and inserting “by the Joint Committee on Judicial*
21 *Administration in the District of Columbia in accordance*
22 *with section 11–1726.”*.

23 (m) *AMENDMENT TO TITLE 5, UNITED STATES*
24 *CODE.—Section 5102(c)(4) of title 5, United States Code,*
25 *is amended by striking “the chief judges” and inserting “the*

1 *chief justice and the associate justices of the Supreme Court*
 2 *of the District of Columbia and the chief judges”.*

3 (n) AMENDMENTS TO TITLE 18, UNITED STATES
 4 CODE.—(1) Section 3006A(k) of title 18, United States
 5 Code, is amended in the second sentence by striking “the
 6 Superior Court” and all that follows and inserting “the Su-
 7 preme Court of the District of Columbia, the District of Co-
 8 lumbia Court of Appeals, or the Superior Court of the Dis-
 9 trict of Columbia.”.

10 (2) Section 6001(4) of title 18, United States Code,
 11 is amended by inserting “the Supreme Court of the District
 12 of Columbia,” before “the District of Columbia Court of Ap-
 13 peals,”.

14 (o) AMENDMENTS TO TITLE 28, UNITED STATES
 15 CODE.—(1) Section 1257(b) of title 28, United States Code,
 16 is amended by striking “District of Columbia Court of Ap-
 17 peals” and inserting “Supreme Court of the District of Co-
 18 lumbia”.

19 (2) Section 2113 of title 28, United States Code, is
 20 amended by striking “District of Columbia Court of Ap-
 21 peals” and inserting “Supreme Court of the District of Co-
 22 lumbia”.

1 **SEC. 104. EFFECTIVE DATE.**

2 *Except as provided in section 102, this title and the*
 3 *amendments made by this title shall take effect 6 months*
 4 *after the date of enactment of this Act.*

5 **TITLE II—JUDGES OF THE**
 6 **DISTRICT OF COLUMBIA COURTS**

7 **SEC. 201. DESIGNATION OF CHIEF JUDGE.**

8 *(a) IN GENERAL.—Section 11–1503(a), D.C. Code, is*
 9 *amended to read as follows:*

10 *“(a)(1) Except as provided in paragraph (2), the chief*
 11 *justice or chief judge of a District of Columbia court shall*
 12 *be designated by the District of Columbia Judicial Nomina-*
 13 *tion Commission from among the judges of the court in reg-*
 14 *ular active service. A chief judge shall serve for a term of*
 15 *4 years or until a successor is designated, and shall be eligi-*
 16 *ble for redesignation. A judge may relinquish the position*
 17 *of chief judge, after giving notice to the District of Columbia*
 18 *Judicial Nomination Commission.*

19 *“(2) Notwithstanding the first sentence of paragraph*
 20 *(1), the first chief justice of the Supreme Court of the Dis-*
 21 *trict of Columbia shall be appointed in accordance with sec-*
 22 *tion 102(a) of the District of Columbia Judicial Reorga-*
 23 *nization Act of 1993.”.*

24 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 25 *section (a) shall take effect on the date of the enactment*
 26 *of this Act.*

1 **SEC. 202. COMPOSITION OF SUPERIOR COURT OF THE DIS-**
2 **TRICT OF COLUMBIA.**

3 *Section 11-903, D.C. Code, is amended—*

4 *(1) effective October 1, 1993, by striking “fifty-*
5 *eight” and inserting “sixty”; and*

6 *(2) effective October 1, 1994, by striking “sixty”*
7 *and inserting “sixty-two”.*

8 **SEC. 203. TREATMENT OF HEARING COMMISSIONERS AS JU-**
9 **DICIAL MAGISTRATES.**

10 *(a) IN GENERAL.—*

11 *(1) REDESIGNATION OF TITLE.—Section 11-*
12 *1732, D.C. Code, is amended—*

13 *(A) by striking “hearing commissioners”*
14 *each place it appears in subsection (a), sub-*
15 *section (b), subsection (d), subsection (i), sub-*
16 *section (l), and subsection (n) and inserting “ju-*
17 *dicial magistrates”;*

18 *(B) by striking “hearing commissioner”*
19 *each place it appears in subsection (b), sub-*
20 *section (c), subsection (e), subsection (f), sub-*
21 *section (g), subsection (h), and subsection (j) and*
22 *inserting “judicial magistrate”;*

23 *(C) by striking “hearing commissioner’s”*
24 *each place it appears in subsection (e) and sub-*
25 *section (k) and inserting “judicial magistrate’s”;*

1 (D) by striking “Hearing commissioners”
 2 each place it appears in subsections (b), (d), and
 3 (i) and inserting “Judicial magistrates”; and

4 (E) in the heading, by striking “**Hearing**
 5 **commissioners**” and inserting “**Judicial**
 6 **magistrates**”.

7 (2) CONFORMING AMENDMENTS.—(A) Section
 8 11–1732(c)(3), D.C. Code, is amended by striking “,
 9 except that” and all that follows and inserting a
 10 period.

11 (B) Section 16–924, D.C. Code, is amended—

12 (i) by striking “hearing commissioner” each
 13 place it appears and inserting “judicial mag-
 14 istrate”; and

15 (ii) in subsection (f), by striking “hearing
 16 commissioner’s” and inserting “judicial mag-
 17 istrate’s”.

18 (C) Section 16–2308, D.C. Code, is amended by
 19 striking “judge” each place it appears and inserting
 20 “judicial officer”.

21 (D) Section 16–2312, D.C. Code, is amended—

22 (i) by striking “judge” each place it ap-
 23 pears in subsections (c), (d), (e), (f), and (j) and
 24 inserting “judicial officer”;

1 (ii) in subsection (c), by striking “He” each
2 place it appears and inserting “The judicial offi-
3 cer”;

4 (iii) in subsection (d)(1), by striking “his
5 reasons” and inserting “the reasons” and by
6 striking “he finds” each place it appears and in-
7 serting “the judicial officer finds”;

8 (iv) in subsection (d)(2)(A), by striking “su-
9 pervise him” and inserting “supervise the child”;

10 (v) in subsection (d)(2)(C), by striking “his
11 protection” and inserting “the child’s protec-
12 tion”;

13 (vi) in subsection (e), by striking “he shall”
14 and inserting “the judicial officer shall”;

15 (vii) in subsection (f), by striking “his rea-
16 sons” and inserting “the reasons”, and by strik-
17 ing “he shall” each place it appears and insert-
18 ing “the judicial officer shall”;

19 (viii) by striking “his detention” each place
20 it appears in subsections (h) and (i) and insert-
21 ing “the child’s detention”; and

22 (ix) in subsection (j), by striking “his par-
23 ent” and inserting “the child’s parent”.

24 (3) CLERICAL AMENDMENT.—The item relating
25 to section 11–1732 of the table of sections of chapter

1 17 of title 11, D.C. Code, is amended to read as fol-
2 lows:

 “11–1732. Judicial magistrates.”.

3 (4) *TRANSITION PROVISION REGARDING HEARING*
4 *COMMISSIONERS.*—Any individual serving as a hear-
5 ing commissioner under section 11–1732 of the Dis-
6 trict of Columbia Code as of the date of the enactment
7 of this Act shall serve the remainder of such individ-
8 ual’s term as a judicial magistrate, and may be
9 reappointed as a judicial magistrate in accordance
10 with section 11–1732(d), D.C. Code, except that any
11 individual serving as a hearing commissioner as of
12 the date of the enactment of this Act who was ap-
13 pointed as a hearing commissioner prior to the effec-
14 tive date of section 11–1732 of the District of Colum-
15 bia Code shall not be required to be a resident of the
16 District of Columbia to be eligible to be reappointed.

17 (b) *EXPANSION OF DUTIES.*—Section 11–1732(j), D.C.
18 Code, is amended—

19 (1) in paragraph (4)(A)—

20 (A) by inserting after “involving” the fol-
21 lowing: “the establishment of paternity or”, and

22 (B) by striking “guidelines established by
23 rule of the Superior Court” and inserting “child
24 support guidelines established by the Council of
25 the District of Columbia”;

1 (2) in paragraph (5), by striking “and Family”
2 and inserting “Family, Probate, and Tax”;

3 (3) by redesignating paragraph (5) as para-
4 graph (7); and

5 (4) by inserting after paragraph (4) the follow-
6 ing new paragraphs:

7 “(5) Conduct detention, neglect, and shelter care
8 proceedings in which a child is alleged to be delin-
9 quent, neglected, or in need of supervision.

10 “(6) Conduct proceedings and issue orders in
11 uncontested probate and fiduciary matters brought
12 under title 20 of the District of Columbia Code.”.

13 (c) *ADDITIONAL CONFORMING AMENDMENTS.*—(1)
14 Section 11–1732(d), D.C. Code, as amended by subsection
15 (a)(1), is further amended—

16 (A) by striking the period at the end of the first
17 sentence and inserting “, in accordance with stand-
18 ards and procedures established by the Superior
19 Court.”; and

20 (B) by striking the second sentence.

21 (2) Section 11–1732(m), D.C. Code, is amended to
22 read as follows:

23 “(m) The Chief Judge of the Superior Court shall, from
24 time to time, conduct such studies on the utilization of judi-
25 cial magistrates as the Board of Judges shall deem expedi-

1 *ent, taking into account the suggestions of the District of*
 2 *Columbia Bar and other interested parties.”.*

3 *(3) Section 11–1732, D.C. Code, is amended by adding*
 4 *at the end the following new subsection:*

5 *“(p) The Joint Committee on Judicial Administration*
 6 *in the District of Columbia shall determine the rate of com-*
 7 *pensation for judicial magistrates in accordance with sec-*
 8 *tion 11–1726.”.*

9 *(d) EFFECTIVE DATE.—The amendments made by this*
 10 *section shall take effect on the date of the enactment of this*
 11 *Act.*

12 ***SEC. 204. STUDY OF FEASIBILITY OF ESTABLISHING DIS-***
 13 ***TRICT OF COLUMBIA NIGHT COURT.***

14 *(a) STUDY.—The Executive Officer of the District of*
 15 *Columbia courts shall conduct a study of the feasibility and*
 16 *desirability of establishing a District of Columbia Night*
 17 *Court as a division of the Superior Court of the District*
 18 *of Columbia.*

19 *(b) REPORT.—Not later than 120 days after the date*
 20 *of the enactment of this Act, the Executive Officer shall sub-*
 21 *mit a report on the study conducted under subsection (a)*
 22 *to the Joint Committee on Judicial Administration in the*
 23 *District of Columbia, which shall forward the study together*
 24 *with any comments and recommendations to Congress not*

1 *later than 180 days after the date of the enactment of this*

2 *Act.*

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